

DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

() Original () Supplemental () Substitute () PCT () Design

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: Labeled Protein and its Producing Method, Labeling Compound to be used in
the Method, and Method for Analyzing Function of Genes

of which is described and claimed in:

- () the attached specification, or
 (x) the specification in the application Serial No. 09/190,276 filed November 13, 1998
 and with amendments through _____ (if applicable), or
 () the specification in International Application No. PCT/ _____, filed _____, and as amended
 on _____ (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
Japan	10-133170	May 15, 1998	YES

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

APPLICATION SERIAL NO.	U.S. FILING DATE	STATUS: PATENTED, PENDING, ABANDONED

09/190,276 - 12/13/98

And I hereby appoint John T. Miller, Reg. No. 21,120; Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Jeffrey Nolton, Reg. No. 25,408; Warren M. Cheek, Jr., Reg. No. 33,367; Nils E. Pedersen, Reg. No. 33,145 and Charles R. Watts, Reg. No. 33,142, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., attorneys to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys named herein to accept and follow instructions from _____ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

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Full Name of First Inventor	FAMILY NAME YANAGAWA	FIRST GIVEN NAME Hiroshi	SECOND GIVEN NAME
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Post Office Address	ADDRESS c/o Mitsubishi Kasei Institute of Life Sciences, 11, Minamiooya, Machida-shi, Tokyo 194-8511 Japan		
Full Name of Second Inventor	FAMILY NAME NEMOTO	FIRST GIVEN NAME Naoto	SECOND GIVEN NAME
Residence & Citizenship	CITY Machida-shi	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
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Full Name of Third Inventor	FAMILY NAME MIYAMOTO	FIRST GIVEN NAME Etsuko	SECOND GIVEN NAME
Residence & Citizenship	CITY Yokohama-shi	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
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Full Name of Fourth Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY ZIP CODE

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Full Name of Fifth Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP
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Full Name of Sixth Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY ZIP CODE
Full Name of Seventh Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY ZIP CODE

1st Inventor	<u>Hiroshi YANAGAWA</u>	Date	<u>January 6, 1999</u>
2nd Inventor	<u>Naoto NEMOTO</u>	Date	<u>January 6, 1999</u>
3rd Inventor	<u>Etsuko MIYAMOTO</u>	Date	<u>January 6, 1999</u>
4th Inventor		Date	
5th Inventor		Date	
6th Inventor		Date	
7th Inventor		Date	

U.S. Application Serial No. _____ Filing Date _____
Applicant Reference Number _____ Atty Docket No. _____
Title of Invention _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Hiroshi YANAGAWA et al. : Docket No.01416/OP808-US
Serial No. 09/190,276 : Group Art Unit 1652
Filed November 13, 1998 : Examiner R. Prouty

LABELED PROTEIN AND ITS PRODUCING
METHOD, LABELING COMPOUND TO BE
USED IN THE METHOD, AND METHOD :
FOR ANALYZING FUNCTION OF GENES

DECLARATION UNDER 37 C.F.R. 1.132

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

Hiroshi Yanagawa, Naoto Nemoto and Etsuko Miyamoto, the inventors of the above application, declare:

1. That the third author name, Etsuko Miyamoto-Sato, of the article No. 3-501-P-505 on page 546 of Program and Proceedings of the 20th Annual Meeting of the Molecular Biology Society of Japan, November 15, 1997 is the name accompanied with the maiden name, of one of the above declarants, Etsuko Miyamoto;
2. That the authors of the article No. 3-501-P-505 are four, i.e. the above declarants and Yoko Ogawa;
3. That the disclosures of the labeled protein and labeling compound described in said article No. 3-501-P-505, which are the same as those presently claimed, were the invention of the above-named declarants, i.e. Hiroshi Yanagawa, Naoto Nemoto and Etsuko Miyamoto;
4. That Yoko Ogawa performed work disclosed in said article No. 3-501-P-505 under the direction of the above-named declarants;

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5. That the article No. 3-501-P-505 is therefore not the invention of "another" for purposes of rejecting the present claims under 35 U.S.C. 102(a).

That they further declare that all statements made herein of their own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: September 1, 2000

By: Hiroshi Yanagawa
Hiroshi YANAGAWA

Date: September 1, 2000

By: Naoto Nemoto
Naoto NEMOTO

Date: September 1, 2000

By: Etsuko Miyamoto
Etsuko MIYAMOTO

09737751-11800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Hiroshi YANAGAWA et al. : Docket No.01416/OP808-US
Serial No. 09/190,276 : Group Art Unit 1652
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METHOD, LABELING COMPOUND TO BE
USED IN THE METHOD, AND METHOD :
FOR ANALYZING FUNCTION OF GENES

DECLARATION UNDER 37 C.F.R. 1.132

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

Hiroshi Yanagawa, Naoto Nemoto and Etsuko Miyamoto, the inventors of the above application, declare:

1. That claims 1 to 6 and 8 of the present application have been anticipated by Yanagawa et al. (WO 98/16636).
2. That said WO 98/16636 lists four inventors, i.e. the above declarants and Yuzuru Fusimi;
3. That the disclosures of the labeled protein and labeling compound described in said WO 98/16636, which are the same as those presently claimed, were the invention of the above-named declarants, i.e. Hiroshi Yanagawa, Naoto Nemoto and Etsuko Miyamoto;
4. That Yuzuru Fusimi contributed to aspects of WO 98/16636 other than the labeled protein and labeling compound;
5. That WO 98/16636 is therefore not the invention of "another" for purposes of rejecting the present claims under 35 U.S.C. 102(a).

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That they further declare that all statements made herein of their own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: September 1, 2000

By: Hiroshi Yanagawa
Hiroshi YANAGAWA

Date: September 1, 2000

By: Naoto Nemoto
Naoto NEMOTO

Date: September 1, 2000

By: Etsuko Miyamoto
Etsuko MIYAMOTO

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